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OFFICE OF PETITIONS

In re Application of  
Michael Wand et al.  
Application No. 10/038,054  
Filed: January 3, 2002  
Attorney Docket No: **61297-318422**

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b),<sup>1</sup> filed January 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed April 27, 2006. The large entity issue fee was paid July 28, 2006 however after the due date and thus the application was properly A petition filed November 28, 2006 under 37 CFR 1.137(b) was dismissed in a decision mailed December 20, 2006 because the petition fees were deficient.

Comes now petitioner with the instant renewed petition and the proper petition fees. All other requirements having been met, this matter is being referred to the Publishing Division to be processed into a patent.

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
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Office of Petitions